

"St.Peter-Griffith, Ann (USAFLS)" <Ann.St.Peter-Griffith@usdoj.gov>

04/24/2008 11:05 AM

To

"Toni-Ann Citera" <tcitera@JonesDay.com>

cc

"Jason G. Winchester"

<jgwinchester@JonesDay.com>, "Ford, Rebecca

(CIV)" <Rebecca.Ford@usdoj.gov>

Subject

RE: Letter re ABT-DOJ 326756 & 326772

Toni,

We continue to object to your designation of ABT-DOJ 32756 and ABT-DOJ 326772 as privileged. Please provide the basis for the privilege assertion. When we discussed these documents at the break, I told you that we were not agreeing with your any of your privilege assertions, but we respected that you wanted the marked exhibit for your safekeeping. Abbott needs to explain the basis for your privilege assertion-- which it has not done --, make an appropriate motion, and the United States has a right to challenge that assertion given Abbott's clear waiver of its customer file documents. Moreover, to the extent that you claim privilege over these documents, please demonstrate where you have delineated them on Abbott's privilege log.

Also, can you please confirm that Abbott's production of the most recent compliance documents at or just before the Fishman 30(b)(6) depositions should not be designated "Highly Confidential"? You were going to check on this and I haven't heard from you. As we discussed, those documents when produced had "highly confidential" stamped on them, which is improper, especially given Judge Bowler's ruling regarding Abbott's anticipated future use of the confidential or highly confidential designations.

Thank you.

Ann

-----Original Message-----

From: Ford, Rebecca (CIV)

Sent: Thursday, April 24, 2008 10:47 AM

To: Toni-Ann Citera

Cc: Jason G. Winchester; St.Peter-Griffith, Ann (USAFLS)

Subject: FW: Letter re ABT-DOJ 326756 & 326772

Toni,

I have forwarded your message to Ann St. Peter-Griffith. As my April

17th letter (attached above) indicated, Ann is the contact person with respect to ABT-DOJ 326756 and ABT-DOJ 326772.

Becky Ford
Trial Attorney
U.S. Department of Justice
Commercial Litigation Branch
Civil Division, Fraud Section
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rebecca.ford@usdoj.gov

-----Original Message-----

From: Toni-Ann Citera [mailto:tcitera@JonesDay.com]
Sent: Thursday, April 24, 2008 10:37 AM
To: Ford, Rebecca (CIV)
Cc: jgwinchester@jonesday.com
Subject: Letter re ABT-DOJ 326756 & 326772

Becky,

It appears that your letter to Jason on April 17th and my letter to Ann of the same date may have crossed in the mail. Please see my April 17, 2008 letter to Ann below. Please let me know if plaintiffs are continuing to object to Abbott's assertion of privilege over documents ABT-DOJ 326756 & 326772, so that we can determine if we need to file a motion with the Court.

Thank you,

Toni
(See attached file: St Peter-Griffith 04-17-2008.pdf)

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